IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Masaharu HAYASHI et al.

For: Plant-activating agent

Serial No.: 09/842,896

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Examiner: Pryor, A.N.

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The Commissioner of Patents

Alexandria Virginia 22313

DECLARATION UNDER 37 CFR 1.132

I, Tadayuki Suzuki, the undersigned, declare that:

I am one of the co-inventors of the invention as described and claimed in the above identified patent application.

I hereby disclose additional test data to show that the concentration range of 0.01 to 500 ppm of the compound (II), recited in claims of the instant patent application is unobvious to a person skilled in the art.

Test procedures and results are below described.

Example <Test of soil-treatment for tomatoes>

Seeds of tomato "Momotaro" were sown in a cell tray using Kureha Engei Baido, horticultural soil supplied by Kureha Chemical Industry Co., Ltd.; the fertilizer components: N:P:K = 0.4:1.9:0.6 g per kg of the soil, as a cultural soil. After true leaves expanded, the seedlings were fixedly planted in pots having a diameter of 15 cm. Then, the treatment was started.

That is, the plant-activating compositions including starting ingredients shown in Table were used with water to treat the soil in a treated amount of 100 ml/individual every 7 days 4 times in total. The concentrations of the starting ingredients were as shown in Table and the balance was water. This treatment was repeated 4 times. After 6 days from finishing of the 4 treatments, fresh-weights of the plants were measured. The measured values were shown in terms of relative values to that of the non-treated as 100. In the present tests, the number of repeated individuals was 10 and test results are shown on the average of the 10 data thereof.

Table

	No.	Plant-activating composition	Concentration (ppm)	Test result: Fresh-weight
Inventive product	1	C18 fatty acid POE(80) polyoxyethylene hardened (or hydrogenated) caster oil [EMANON CH-80]	60 300	148
	2	C18 fatty acid POE(80) polyoxyethylene hardened caster oil [EMANON CH-80]	500 300	138
Comparative product	1	C18 fatty acid POE(80) polyoxyethylene hardened caster oil [EMANON CH-80]	980 300	106
	2	C18 fatty acid POE(80) polyoxyethylene hardened caster oil [EMANON CH-80]	2550 300	102
Treated with a liquid fertilizer, but non-treated			-	100

In Table, POE is an abbreviation of polyoxyethylene and the number in the parentheses is the average number of ethylene oxide moles added. Names in the brackets represent a tradename

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of a commercial product supplied by Kao Corp.

I hereby declare that all statements made herein of any own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 24, Dec. 2004

Tadayuki Suzuki

Tadayuki SUZUKI